

Page 1  
**RECEIVED**  
**CENTRAL FAX CENTER**  
**SEP 17 2009**



**UNITED STATES PATENT AND TRADEMARK OFFICE**

Board of Patent Appeals and Interferences

GEORGE R. PETTIT  
 CONNOLLY BOVE LODGE & HUTZ, LLP  
 P.O. BOX 19088  
 WASHINGTON, DC 20036-3425

Appeal No: 2009-007263  
 Appellant: L. Mark Ernest, Christopher Finden-Browne,  
 Application No: James R. Moore et al.  
 Hearing Room: 10/005,862  
 Hearing Docket: A  
 Hearing Date: B  
 Hearing Time: Tuesday, October 20, 2009  
 Location: 09:00 AM  
 Madison Building - East Wing  
 600 Dulany Street, 9th Floor  
 Alexandria, Virginia 22313-1450

**NOTICE OF HEARING**  
**CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

**CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED.** This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within **TWENTY-ONE (21) DAYS** from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: Board of Patent Appeals and Interferences  
 United States Patent and Trademark Office  
 P.O. BOX 1450  
 Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ( ) HEARING ATTENDANCE CONFIRMED

(X) HEARING ATTENDANCE WAIVED

Allen P. Kraft  
 Signature of Attorney/Agent/Appellant

9/17/09  
 Date

43,828  
 Registration No.

Names of other visitors expected to accompany counsel: \_\_\_\_\_

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
<http://www.uspto.gov/web/offices/dcom/scounsel/contact.htm#bpaicounsel>